

EXHIBIT 1

1 C. Jason Brown
JaysonWatkins
2 **Brown & Associates, LLC**
3 301 South US 169 Highway
Gower, MO 64454
4 Telephone: (816) 424-1390
Facsimile: (816) 424-1337

5
6 Attorneys for Plaintiff DEAN FOLTZ

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE WESTERN DISTRICT OF MISSOURI**

10
11 DEAN FOLTZ; individually and on behalf of
others similarly situated,

12 Plaintiffs,

13 v.

14 GUITAR CENTER STORES, INC., and
15 DOES 1 through 50, inclusive,

16 Defendants.

Case No. 2:14-cv-04308-NKL

Hon. Nanette L. Laughrey

**DECLARATION OF STEPHEN GOMEZ
REGARDING CLASS NOTICE AND
SETTLEMENT ADMINISTRATION**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

[illegible]

9
0
1
2
3
4
5
6
7
8
9
20
21
22
23
24
25
26
27
28

4
5
6
7
8
9
20
21
22
23
24
25
26
27
28

24
25
26
27
28

25
26
27
28

1 settlement process. Callers have the option to speak with a live call center representative during
2 normal business hours or to leave a message and receive a return call during non-business hours. The
3 toll-free telephone number included in the Class Notice was (888) 836-1441 and was live on
4 September 4, 2015.

5 NOTIFICATION TO THE CLASS

6
7 5. On August 10, 2015, Simpluris received the Court-approved Class Notice. The Class
8 Notice advised Class Members of their right to opt out from the Settlement, object to the Settlement,
9 or do nothing, and the implications of each such action. The Class Notice advised Class Members of
10 applicable deadlines and other events, including the Final Approval Hearing, and how Class Members
11 could obtain additional information. A sample Class Notice is attached hereto as **Exhibit A**.

12
13 6. On August 10, 2015, Counsel for Defendant provided Simpluris with a mailing list
14 ("Class List") containing the name and last known address. The Class List contained data for 3,393
15 Class Members.

16
17 7. The mailing addresses contained in the Class List were processed and updated utilizing
18 the National Change of Address Database ("NCOA") maintained by the U.S. Postal Service. The
19 NCOA contains changes of address filed with the U.S. Postal Service. In the event that any
20 individual had filed a U.S. Postal Service change of address request, the address listed with the
21 NCOA was utilized in connection with the mailing of the Class Notice Packets.

22
23 8. On September 4, 2015, after updating the mailing addresses through the NCOA, Class
24 Notice Packets were mailed via First Class Mail to 3,393 Class Members contained in the Class List.

25
26 9. If a Class Member's Class Notice Packet was returned by the USPS as undeliverable
27 and without a forwarding address, Simpluris performed an advanced address search (i.e. skip trace)
28 on all of these addresses by using Accurint, a reputable research tool owned by Lexis-Nexis.
Simpluris used the Class Member's name and previous address to locate a current address. Through

1 the advanced address searches, Simpluris was able to locate 229 updated addresses and Simpluris
2 promptly mailed Class Notice Packets to those updated addresses. Ultimately, there were 210 Class
3 Notices that were undeliverable.

4 **EXCLUSIONS AND OBJECTIONS**

5
6 11. As of December 7, 2015, Simpluris has received 6 Requests for Exclusion from the
7 Settlement from Class Members.

8 12. Class Members who wished to object were directed to file their objection with the
9 Court and serve a copy of the objection on the attorneys for the parties. As December 7, 2015,
10 Simpluris has not received any objections.

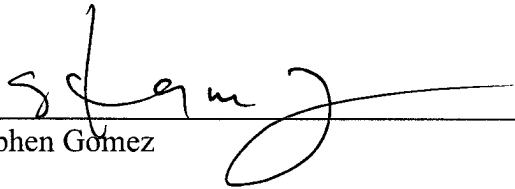
11 13. As December 7, 2015, there are 3,387 Class Members who will be paid their portion of
12 the Net Settlement Amount, estimated to be \$57,303.00. The Net Settlement Amount available to pay
13 Class Members was determined by subtracting the Class Representative Enhancement Award
14 (\$5,000.00), the Class Counsel Attorneys' Fees and Costs Payment (\$40,552.00), and the Settlement
15 Administration costs (\$20,000.00) from the Maximum Settlement Fund (\$122,855.00).
16

17 14. Class Members who did not Opt Out from Settlement will receive an equal share of the
18 Net Settlement Amount in the amount of \$16.92.
19

20 **ADMINISTRATION COSTS**

21 15. Simpluris' total costs for services in connection with the administration of this
22 Settlement, including fees incurred and anticipated future costs for completion of the administration,
23 are \$20,000.00. Simpluris' work in connection with this matter will continue with the calculation of
24 the settlement checks, issuance and mailing of those settlement checks, etc., and to do the necessary
25 tax reporting on such payments.
26
27
28

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct. Executed this 7 day of December, 2015, in Costa Mesa, CA.

3
4
5 
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Stephen Gomez